

### **REMARKS**

Claims 1-32 are currently pending in the subject application and are presently under consideration. Claims 1 and 11 have been amended as shown on pages 2-5 of the Reply.

Applicants' representative thanks Examiner Hoffler for the teleconference of May 31, 2007. The rejection of claims under 35 U.S.C. §101 and 35 U.S.C. §102(e) were discussed.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1-15 Under 35 U.S.C. §101**

Claims 1-15 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Independent claims 1 and 11 have been amended herein. In view of the above amendments, this rejection is now moot and should be withdrawn.

#### **II. Rejection of Claims 1-4, 6-7, 9-12, 14-18, 20-21 and 23-32 Under 35 U.S.C. §102(e)**

Claims 1-4, 6-7, 9-12, 14-18, 20-21 and 23-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by Gargi, *et al.* (US 20050027712A1). Withdrawal of this rejection is requested for at least the following reasons. The cited reference fails to disclose or suggest all aspects set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation set forth in the patent claim.*** *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The ***identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The claimed invention relates to a distributed object classification systems and provides a loosely-coupled way for unrelated tools to categorize elements they control according to a common, centrally managed classification scheme. To this end, independent claim 1 recites a *computer implemented distributed classification system having computer executable components, comprising a plurality of unrelated software components stored in a computer*

*readable medium and a classification component that couples the unrelated software components to a common classification structure based on a structure type and comprising structure type class, node types and structural constraints, the structural constraints define the permissible parent-child relationship between the various node types.* Independent claims 28 recites “*instantiating a common structure based on a structure type, the common structure comprising structure type class, node types and structural constraints, the structural constraints define the permissible parent-child relationship between the various node types; exposing the common structure amongst a plurality of unrelated tools to provide a foundation for a cohesive user experience*”. Independent claims 11 and 16 recite similar limitations. Gargi *et al.* fails to teach or suggest such novel features recited in the subject claims.

Gargi *et al.* teaches systems and methods for organizing a collection of objects. A given sequence of objects is segmented into object clusters. At page 4 of the Final Office Action, the Examiner contends that Gargi *et al.* teaches such novel features of applicants’ claimed invention. Applicants’ representative avers to the contrary. In accordance with the subject invention, the system allows for unrelated tools to classify the elements they control according to a centrally managed classification system. By defining a structure type comprising structure type class, node types and structural constraints, the system allows the unrelated tools to classify elements in a consistent manner. This allows different applications to access elements in the classified hierarchy. At the cited portions, the cited reference teaches an object manager that arranges objects into a sequence that is ordered in accordance with context related metadata associated with the object and automatically segments them into clusters. The context related metadata is then accessed to extract names for the clusters. Then the objects are arranged in a hierarchical structure. Further, the cited reference discloses a business process that is modeled as a direct graph having different type of nodes performing an activity. The processes taught by Gargi *et al.* employ different classification structures. The system does not allow the different tools to classify their objects in the same centrally managed classification system bases on a structure type. Thus, Gargi *et al.* is silent regarding *coupling unrelated software components... to a common classification structure based on a structure type and comprising structure type class, node types and structural constraints, the structural constraints define the permissible parent-child relationship between the various node types* as recited by the amended subject claims.

Accordingly, it is requested that this rejection with respect to independent claims 1, 11, 16 and 28 (and the claims that depend from) should be withdrawn.

### **III. Rejection of Claims 5, 8, 13, 19 and 22 Under 35 U.S.C. §103(a)**

Claims 5, 8, 13, 19 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gargi, *et al.* in view of Omoigui, *et al.* (US 2003012636A1). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Gargi *et al.* and Omoigui *et al.*, alone or in combination, do not teach or suggest all aspects set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicants' disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 5, 8, 13, 19 and 22 depend from independent claims 1, 11, and 16 respectively. As discussed *supra*, concerning these independent claim, Gargi *et al.* is silent regarding *coupling unrelated software components to a common classification structure based on a structure type and comprising structure type class, node types and structural constraints, the structural constraints define the permissible parent-child relationship between the various node types*. Omoigui *et al.* is also silent regarding this novel limitation of the subject claims and therefore does not make up for the aforementioned deficiencies of Gargi *et al.* with respect to independent claims 1, 11 and 16. Omoigui *et al.* relates to knowledge retrieval, management and presentation of domain specific semantic information. The system provides a programmable Web, which is programmable akin to a database. Thus, applicants' invention as recited in the subject claims is

not obvious over the combination of Gargi *et al.* and Omoigui *et al.* As such, it is respectfully submitted that this rejection should be withdrawn.

#### CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP636US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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